



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

Christophe CHAGNOT

GROUP:

SERIAL NO.: 10/589,797

EXAMINER:

FILED: August 16, 2006

ATTORNEY DOCKET: MM6021PCT

FOR: MONITORING METHOD AND DEVICE BY SHADOWSCOPY

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP MISSING REQUIREMENTS

SIR:

In the above-identified patent application, applicants have received a Notification Of Missing Requirements Under 35 USC 371, copy enclosed.

This Notice states that a translation of the application into English must be furnished or a processing fee of \$130 will be required. Applicants have already supplied the English translation of the application, as evidenced by the attached copy of the return receipt postcard, the Certificate of Express Mailing and the application transmittal letter. The Notice also states that the number of claims shown in the English translation of the application is different to the number of claims shown in the International Application. However, in the English translation, applicants have removed the improper use of multiple dependent claims and added the relevant new claims. Accordingly, there are more claims in the English translation than in the International Application to avoid multiple dependent claims.

It is also stated in the Notification of Missing Requirements that the oath and Declaration of the inventors is missing. However, a properly signed Oath and Declaration of the inventors was submitted with the initial filing of the application on August 16, 2006. This is evidenced by the enclosed copy of applicants return receipt postcard (stamped received by the U.S. Patent Office) as well as the enclosed copy of applicants Certificate of Express Mailing and the copy of the transmittal letter. A further copy of this Oath and Declaration is again enclosed herewith.

To show that no new matter was added as a result of the difference in the number of claims in the English translation and the International Application, a Preliminary Amendment is herewith included verifying the amendments.

Accordingly, it is respectfully submitted that no further fees are, in fact, due on this application as all requirements – English translation of application and Declaration of Inventors – have previously been met and are evidenced in this submission. However, authorization is given to deduct any necessary fees from applicants **Deposit Account No. 503814**.

Respectfully submitted,

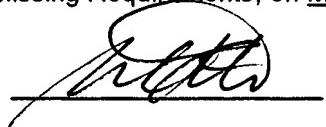
Eugene Lieberstein
Reg. No. 24,645

ANDERSON, KILL & OLICK
1251 Avenue of the Americas
New York, New York 10020-1182
(212) 278-1000

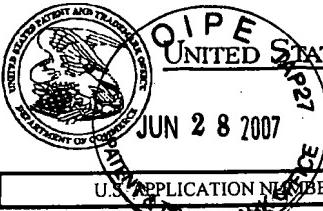
MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop Missing Requirements, on Monday June 25, 2007.

Signed:



Dated: June 25, 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 28 2007

~~U.S. APPLICATION NUMBER NO.~~

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Christophe Chagnot

MM6021PCT

INTERNATIONAL APPLICATION NO.

PCT/FR05/50107

02/21/2005 02/23/2004

1109
ANDERSON, KILL & OLICK, P.C.
1251 AVENUE OF THE AMERICAS
NEW YORK,, NY 10020-1182

RECEIVED
APR 26 2007
ANDERSON KILL & CLICK, P.C.

Date Mailed: 04/23/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/17/2006
 - Copy of the International Search Report filed on 08/17/2006
 - Information Disclosure Statements filed on 08/17/2006
 - Request for Immediate Examination filed on 08/17/2006
 - U.S. Basic National Fees filed on 08/17/2006
 - Assignment filed on 08/17/2006
 - Priority Documents filed on 08/17/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
 - The number of claims in the International Application and the number of claims in the translation are not the same.
 - Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
 - Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 - To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$110** for a Large Entity:

- **\$130 Surcharge.**
- **\$130 for English translation surcharge required.**

(A previous payment of **\$150** will be applied to the additional fees indicated above.)

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://spportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/589,797	PCT/FR05/50107	MM6021PCT

FORM PCT/DO/EO/905 (371 Formalities Notice)

JUN 28 2005

IAP27

ATTORNEY'S DOCKET NUMBER
MM6021PCT

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.
PCT/FR05/050107INTERNATIONAL FILING DATE
February 21, 2005PRIORITY DATE CLAIMED
February 23, 2004

TITLE OF INVENTION

MONITORING METHOD AND DEVICE BY SHADOWCOPYAPPLICANT(S) FOR DO/EO/US: **Christophe CHAGNOT, a citizen of France**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3))
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4))
10. An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5))

Items 11 to 20 below concern document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A **FIRST** preliminary amendment.
14. A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. A substitute specification.
16. A change of power of attorney and/or address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 – 1.825.
18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information: CERTIFICATE OF EXPRESS MAILING ON SEPARATE SHEET with Label No. EV570883496US

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO. PCT/FR05/050107	ATTORNEY DOCKET NUMBER MM6021PCT	
<p>21. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p>BASIC NATIONAL FEE (37 CFR 1.492 (A) (1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1110.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$1000.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$790.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00</p>		CALCULATIONS PTO USE ONLY	
		ENTER APPROPRIATE BASIC FEE AMOUNT =	\$1000.00
<p>Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(e)).</p>		\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	23	3	x \$50.00
Independent claims	1		x \$200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00
		TOTAL OF ABOVE CALCULATIONS =	\$1150.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by $\frac{1}{2}$		+	\$
		SUBTOTAL =	\$1150.00
<p>Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(e)).</p>		\$	
		TOTAL National Fee =	\$1150.00
<p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</p>		\$ 40.00	
		TOTAL FEES ENCLOSED =	\$1190.00
		Amount to be refunded:	\$
		Charged:	\$1190.00
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 503814 in the amount of \$ 1190.00 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 503814. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included in this form. Provide credit card information and authorization on PTO-2038.</p>			
<p>Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</p> <p><i>[Handwritten signature over the note]</i></p>			
<p>SEND ALL CORRESPONDENCE TO: Eugene Lieberstein, Esq. ANDERSON KILL & OLICK, P.C. 1251 Avenue of the Americas New York, NY 10020 Tel: 212-278-1000</p>			
<p>SIGNATURE <i>[Signature]</i> NAME Eugene Lieberstein REGISTRATION NUMBER 24,645</p>			

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): **Christophe CHAGNOT**

Docket No.

MM6021PCT

Application No.

Filing Date

Examiner

Customer No.

Group Art Unit

MONITORING METHOD AND DEVICE BY SHADOWSCOPY

JUN 28 2007

A circular black ink stamp. The outer ring contains the text "U.S. PATENT & TRADEMARK OFFICE" at the bottom and "ST. LOUIS" at the top. The center of the stamp contains the date "JUN 28 2007".

I hereby certify that the following correspondence:

U.S. Nat'l Phase filing of PCT appl. transmittal ltr; 12-page English Spec. incl. Abstract; 3 sheets of drawings (Figs. 1-5); Signed Declaration & POA; Assignment doc. w/recording form cover sheet; IDS form PTO-1449 citing 4 references & copies of refs.; Required PCT Forms: ISA/220, ISA/210, ISA/213, ISA/237; WO 2005/085814 w/attached copy of PCT app as filed; INPI PCT Request; Cert. of Express Mailing; Authorization to charge fees to Deposit Acct.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450 on April 16, 2005.

August 16, 2006

(Date)

Maggie McGarry

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

EV570883496US

of Person Mailing Correspondence

EN-US-2022-10-17-V1

"S Mail" Mailing Label.

Note: Each paper must have its own certificate of mailing